

MS 16
Docket No.: 3427-0138PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eun Jong CHA et al.

Application No.: 10/530,194

Confirmation No.: 9596

Filed: October 7, 2005

Art Unit: 3735

For: PEAK EXPIRATORY FLOW METER
CAPABLE OF MEASURING CONTINUOUS
EXPIRATORY FLOW SIGNAL

Examiner: C. Y. Jang

**ATTENTION: Refund Section
 Accounting Division
 OFFICE OF FINANCE**

REQUEST FOR A REFUND
(IMPROPER FEES PAID - SMALL ENTITY PREVIOUSLY ESTABLISHED)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following documentation and remarks are respectfully submitted in connection with the above-identified application.

DOCUMENTATION

Attached hereto is:

☒ a copy of the Issue Fee Transmittal filed on September 16, 2008, that clearly indicates the assertion of small entity.

☐ a copy of an executed Statement Claiming Small Entity Status (37 C.F.R. § 1.9(f) and 1.27) - Small Business Concern filed on September 18, 2008.

REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Issue fee paid on September 16, 2008. Small entity status was established prior to payment of this fee by the filing of a statement on April 4, 2005, and is indicated on the PTOL-85 form.

Under 37 C.F.R. § 1.26(b), any request for a refund which is not based upon subsequent entitlement to small entity status must be filed with a two-year nonextendable time limit.

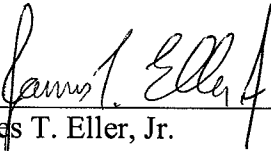
The Issue fee in the amount of \$1,440.00 was paid on September 16, 2008. It is respectfully requested that the excess fee of \$720.00 be credited to Deposit Account No. 02-2448.

Favorable action on the present Request is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 18, 2008

Respectfully submitted,

By  _____
James T. Eller, Jr.

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